

AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 917

Introduced by Assembly Member Hertzberg

February 25, 1999

An act to amend Sections 316, 340, ~~356~~, 1000, 1201, 1202, 6180, 6787, 6952, ~~and 10703~~ *10703, and 10704* of the Elections Code, relating to presidential primaries.

LEGISLATIVE COUNSEL'S DIGEST

AB 917, as amended, Hertzberg. presidential primaries.

Existing law provides that the statewide direct primary election is to be held on the first Tuesday after the first Monday in March of each even-numbered year. Existing law also requires that the presidential primary, held in any year that is evenly divisible by the number 4, be consolidated with the direct primary election. *Existing law also provides that no election be held on any day other than a Tuesday.*

This bill instead would require that the statewide direct primary election be held on the first Saturday and Sunday of the first weekend in March in each even-numbered year and that, in any year that is evenly divisible by the number 4, it be consolidated with the presidential primary held that year.

This bill would make various conforming changes to related provisions of law, necessitated by the change in those dates.

Existing law provides that a "special election" is an election, the specific time for the holding which is not prescribed by law. Existing law further provides that a special election to fill

a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor, except that any special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50% of all the voters eligible to vote on the vacancy.

This bill would provide that a “statewide special election” is an election held on the Saturday and Sunday of the first weekend of the month designated for that purpose by the act calling the election. The bill would further provide that a special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on the Saturday and Sunday of the first weekend of the month that is not less than 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor. The bill would eliminate the exception that permits any special election to be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled direct primary election or local election occurring wholly or partially within the same territory in which the vacancy exists. *The bill would also provide that a special primary shall be held in the congressional or state legislative district in which a vacancy occurs on the 9th Saturday and Sunday preceding the day of the special general election at which the vacancy is to be filled, as specified.*

This bill, by expanding the number of days on which statewide direct primary and statewide special elections are held would place new duties on local elections officials and thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State

Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 316 of the Elections Code is
2 amended to read:

3 316. "Direct primary" is the primary election held on
4 the Saturday and Sunday of the first weekend in March
5 in each even-numbered year, to nominate candidates to
6 be voted for at the ensuing general election or to elect
7 members of a party central committee.

8 SEC. 2. Section 340 of the Elections Code is amended
9 to read:

10 340. "Presidential primary" is the primary election
11 that is held on the Saturday and Sunday of the first
12 weekend in March in any year that is evenly divisible by
13 the number four, and at which delegations to national
14 party conventions are to be chosen.

15 ~~SEC. 3. Section 356 of the Elections Code is amended~~
16 ~~to read:~~

17 ~~356. (a) "Special election" is an election, the specific~~
18 ~~time for the holding of which is not prescribed by law.~~

19 ~~(b) "Statewide special election" is an election held on~~
20 ~~the Saturday and Sunday of the first weekend of the~~
21 ~~month designated for that purpose by the act calling the~~
22 ~~election.~~

23 ~~SEC. 4.—~~

24 SEC. 3. Section 1000 of the Elections Code is amended
25 to read:

26 1000. The established election dates in each year are
27 as follows:

1 (a) The second Tuesday of April in each
2 even-numbered year.

3 (b) The first Tuesday after the first Monday in March
4 of each odd-numbered year.

5 (c) The Saturday and Sunday of the first weekend in
6 March in each even-numbered year.

7 (d) The first Tuesday after the first Monday in
8 November of each year.

9 (e) The first Tuesday after the first Monday in June of
10 each odd-numbered year.

11 ~~SEC. 5.—~~

12 *SEC. 4.* Section 1201 of the Elections Code is amended
13 to read:

14 1201. (a) ~~The~~ *Notwithstanding Section 1100, the*
15 statewide direct primary shall be held on the Saturday
16 and Sunday of the first weekend in March of each
17 even-numbered year.

18 (b) Notwithstanding subdivision (a), in any year that
19 is evenly divisible by the number four, the statewide
20 direct primary shall be held on the Saturday and Sunday
21 of the first weekend in March and shall be consolidated
22 with the presidential primary held in that year.

23 ~~SEC. 6.—~~

24 *SEC. 5.* Section 1202 of the Elections Code is amended
25 to read:

26 1202. The presidential primary shall be held on the
27 Saturday and Sunday of the first weekend in March in any
28 year evenly divisible by the number four.

29 ~~SEC. 7.—~~

30 *SEC. 6.* Section 6180 of the Elections Code is amended
31 to read:

32 6180. At least 59 days before a presidential primary
33 election, the Secretary of State shall transmit to each
34 county elections official a certified list containing the
35 name of each candidate who is entitled to be voted for on
36 the ballot at the presidential primary, and the name of
37 each chairperson of a steering committee of an
38 uncommitted delegation who is to be voted for on the
39 same ballot.

1 If no uncommitted delegation has qualified pursuant to
2 Article 4 (commencing with Section 6060), the Secretary
3 of State shall inform the county elections officials to
4 provide for an uncommitted delegate space on the ballot.

5 The certified list shall be in substantially the following
6 form:

7
8 Certified List of Presidential Candidates and Uncommitted
9 Delegations

10
11 To the County Elections Official of ____ County:

12 I, ____, Secretary of State, do hereby certify that the
13 following list contains the name of each person who is entitled to
14 be voted for as a candidate of the Democratic Party at the
15 presidential primary election to be held on the ____ and
16 ____ days of March, 20__, and the name of each chairperson
17 of a steering committee of an uncommitted delegation which is
18 entitled to be voted for on the ballot.

19
20 List of Presidential Candidates and Uncommitted Delegations

21
22 Linda Adams
23 Joseph Black
24 John Reardon
25 Unpledged delegation
26 Paul Minor,
27 Chairperson

28 Dated at Sacramento, California, this ____ day of ____,
29 20__.

30 _____
31 (SEAL) Secretary of State

32
33 ~~SEC. 8.—~~

34 SEC. 7. Section 6787 of the Elections Code is amended
35 to read:

36 6787. The nomination paper for a group of candidates
37 for delegates to the national convention shall be in
38 substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF GROUP OF CANDIDATES FOR DELEGATES
TO NATIONAL CONVENTION

Section ____ Page ____

County of ____.

Nomination paper of group of candidates for election as
delegates by the Peace and Freedom Party pledged to the
candidacy of ____ as presidential nominee, or expressing no
preference, as the case may be.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of ____, State
of California, and am registered as affiliated with the Peace and
Freedom Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1.			
2.			
3.			
etc.			

(to the number as may be required) as candidates for delegate to the national convention of the ____ Party, with which the Peace and Freedom Party of California is affiliated on the national level, to be voted for at the presidential primary to be held on the ____ and ____ days of March, 20___. I have not signed the nomination paper of any other group of candidates for delegates to the national convention or of any candidate for the presidential preference portion of the primary ballot.

		Printed	Residence
		name	street address
Number	Signature		/city
1.			
2.			
3.			
etc.			



CIRCULATOR'S DECLARATION

I, _____, affirm that I am a voter registered as affiliated with the Peace and Freedom Party in _____ County, that I have been appointed as a circulator to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the Peace and Freedom Party as delegates to represent the Peace and Freedom Party of California in the _____ Party's next national convention, that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____ 20__, and _____ 20__, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this _____ day of _____, 20__.

(Signed) _____

Circulator

(Printed name) _____

~~SEC. 9.~~

SEC. 8. Section 6952 of the Elections Code is amended to read:

6952. The certified list required by Section 6951 shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR
PRESIDENTIAL PREFERENCE PRIMARY AND
CANDIDATES FOR NATIONAL CONVENTION
DELEGATE

To the County Elections Official of _____ County:

I, _____, Secretary of State, do hereby certify that the names of the candidates to appear on the March _____ and _____, 20__, Peace and Freedom Party

1 presidential preference primary ballot, in the order in
2 which they are to appear, are:

3
4 _____
5 _____
6 etc. etc.

7
8 I further certify that the following list contains the
9 name and post office address of each person who is
10 entitled to be voted for at the March ____ and
11 ____, 20__, Peace and Freedom Party presidential
12 primary election as a candidate for delegate to the next
13 national convention of the ____ Party with which the
14 Peace and Freedom Party of California is affiliated on the
15 national level. I further certify that the groups of
16 candidates for delegate each appear under the name of
17 the person for whom the group has expressed a
18 preference as nominee of the Peace and Freedom Party
19 for President, or under the name of the group
20 chairperson in case of a group not expressing a
21 preference, and that the groups are listed in the order in
22 which they are to appear on the national convention
23 delegate portion of the Peace and Freedom Party
24 presidential primary ballot.



LIST OF CANDIDATES FOR NATIONAL CONVENTION
DELEGATE

PEACE AND FREEDOM PARTY

Candidates
preferring

Name

Address

Top of group

1 _____

2 _____

3 _____

etc.

etc.

Candidates expressing
no preference
(Name of chairperson)

Name

Address

Top of group

1 _____

2 _____

3 _____

etc.

etc.

Dated at Sacramento, California, this ____ day of ____,
20__.

(SEAL)

Secretary of State

~~SEC. 10.~~

SEC. 9. Section 10703 of the Elections Code is
amended to read:

1 10703. (a) ~~A~~—*Notwithstanding Section 1100, the*
2 *special election to fill a vacancy in the office of*
3 *Representative in Congress, State Senator, or Member of*
4 *Assembly shall be conducted on the Saturday and Sunday*
5 *of the first weekend of the month that falls closest to the*
6 *period that is at least 112 days, but not more than 119 days,*
7 *following the issuance of an election proclamation by the*
8 *Governor pursuant to Section 1773 of the Government*
9 *Code.*

10 ~~(b) In no event may a special election or a primary~~
11 ~~election be conducted on the day after a state holiday. If~~
12 ~~the Saturday and Sunday of the first weekend of the~~
13 ~~month on which a statewide special election or statewide~~
14 ~~direct primary election would otherwise be held follows~~
15 ~~a state holiday, the statewide special election or statewide~~
16 ~~direct primary election shall be held on the Saturday and~~
17 ~~Sunday of the second weekend of the month.~~

18 *(b) If either Saturday or Sunday is the day before, the*
19 *day of, or the day following a state holiday, the special*
20 *election shall be held on the following Saturday and*
21 *Sunday.*

22 *SEC. 10. Section 10704 of the Elections Code is*
23 *amended to read:*

24 10704. (a) ~~A~~ *Notwithstanding Section 1100, a special*
25 *primary election shall be held in the district in which the*
26 *vacancy occurred on the eighth Tuesday or, if the eighth*
27 ~~Tuesday is the day of or the day following a state holiday,~~
28 ~~the ninth Tuesday~~ *Saturday and Sunday preceding the*
29 *day of the special general election at which the vacancy*
30 *is to be filled. If either Saturday or Sunday is the day*
31 *before, the day of, or the day following a state holiday, the*
32 *special primary election shall be held instead on the ninth*
33 *Saturday and Sunday preceding the day of the special*
34 *general election. Candidates at the primary election shall*
35 *be nominated in the manner set forth in Chapter 1*
36 *(commencing with Section 8000) of Part 1 of Division 8,*
37 *except that nomination papers shall not be circulated*
38 *more than 63 days before the primary election, shall be*
39 *left with the county elections official for examination not*
40 *less than 43 days before the primary election, and shall be*

1 filed with the Secretary of State not less than 39 days
2 before the primary election.

3 (b) Notwithstanding Section 3001, applications for
4 absent voter ballots may be submitted not more than 25
5 days before the primary election, except that Section 3001
6 shall apply if the special election or special primary
7 election is consolidated with a statewide election.
8 Applications received by the elections official prior to the
9 25th day shall not be returned to the sender, but shall be
10 held by the elections official and processed by him or her
11 following the 25th day prior to the election in the same
12 manner as if received at that time.

13 SEC. 11. Notwithstanding Section 17610 of the
14 Government Code, if the Commission on State Mandates
15 determines that this act contains costs mandated by the
16 state, reimbursement to local agencies and school
17 districts for those costs shall be made pursuant to Part 7
18 (commencing with Section 17500) of Division 4 of Title
19 2 of the Government Code. If the statewide cost of the
20 claim for reimbursement does not exceed one million
21 dollars (\$1,000,000), reimbursement shall be made from
22 the State Mandates Claims Fund.

